

sources to come into the area without significantly increasing emissions overall. After Salt Lake and Utah Counties are redesignated to attainment for PM10 (see separate filing on Section R307-110-10 in this issue), Rule R307-421 will continue the offset requirements, with the modification that the 25 tons-per-year threshold that triggers the offset requirement will apply separately to sulfur dioxide and nitrogen oxides, instead of applying to the sum of PM10, sulfur dioxide and nitrogen oxides. No offset requirement for PM10 will be required because new sources can calculate the effect of PM10 emissions through the modeling that will be required after redesignation. This rule will not become part of the PM10 State Implementation Plan and will not be federally enforceable. (DAR NOTE: The proposed amendment to Section R307-110-10 is under DAR No. 27768 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-101(1)(a), and Sections 19-2-104 and 19-2-108

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There will be no change in cost for state government, as no new requirements are added.
- ❖ LOCAL GOVERNMENTS: There will be no change in cost for local governments, as no new requirements are added.
- ❖ OTHER PERSONS: Costs for sources may decline slightly as the threshold for triggering the requirement to obtain offset will be 25 tons per year of sulfur dioxide or nitrogen oxides individually, instead of the current trigger of 25 tons per year of the three pollutants combined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs for sources may decline slightly, as the threshold for triggering the requirement to obtain offset will be 25 tons per year of sulfur dioxide or nitrogen oxides individually, instead of the current trigger of 25 tons per year of the three pollutants combined.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This provision is similar to the provisions put in place in the early 1990s to maintain the ozone standard when the State of Utah sought redesignation to attainment for ozone. It is expected that maintaining the offset provisions will allow continued economic growth while still protecting public health. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@utah.gov

Environmental Quality, Air Quality R307-421

Permits: PM10 Offset Requirements in Salt Lake County and Utah County

NOTICE OF PROPOSED RULE

(New Rule)

DAR File No.: 27767

FILED: 03/15/2005, 16:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to maintain the health standards for particulate pollution while allowing continued economic growth of sources of emissions. The rule will apply to sources in Salt Lake and Utah Counties.

SUMMARY OF THE RULE OR CHANGE: Presently, Rule R307-403 requires a source in Salt Lake or Utah County to offset emissions of PM10, nitrogen oxides, and sulfur dioxide by decreasing emissions from another source within the nonattainment area. These provisions have allowed new

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 4/19/2005 at 10:00 AM, DEQ Bldg, 168 N 1950 W, Room 101, Salt Lake City, UT; 4/20/2005 at 1:30 PM, Utah County Administration Bldg, 100 E Center Street, Suite 2300, Provo, UT; and 4/21/2005 at 6:00 PM, Weber County Bldg, 2380 Washington Blvd, Breakout Room, Ogden, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/30/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-421. Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

R307-421-1. Purpose.

The purpose of R307-421 is to require emission reductions from existing sources to offset emission increases from new or modified sources of PM10 precursors in Salt Lake and Utah Counties. The emission offset will minimize growth of PM10 precursors to ensure that these areas will continue to maintain the PM10 and PM2.5 national ambient air quality standards.

R307-421-2. Applicability.

(1) This rule applies to new or modified sources of sulfur dioxide or oxides of nitrogen that are located in or impact Salt Lake County or Utah County.

(2) A new or modified source shall be considered to impact an area if the modeled impact is greater than 1.0 microgram/cubic meter for a one-year averaging period or 3.0 micrograms/cubic meter for a 24-hour averaging period for sulfur dioxide or nitrogen dioxide.

R307-421-3. Offset Requirements.

(1) The owner or operator of any new source that has the potential to emit, or any modified source that would increase sulfur dioxide or oxides of nitrogen in an amount equal to or greater than the levels in (a) and (b) below shall obtain an enforceable emission offset as defined in (a) and (b) below.

(a) For a total of 50 tons/year or greater, an emission offset of 1.2:1 of the emission increase is required.

(b) For a total of 25 tons/year or greater but less than 50 tons/year, an emission offset of 1:1 of the emission increase is required.

R307-421-4. General Requirements.

(1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are established in R307-403-4, R307-403-7 and R307-403-8.

(2) Emission offsets shall be used only in the county where the credits are generated. In the case of sources located outside of Salt Lake or Utah Counties, the offsets shall be generated in the county where the modeled impact in R307-421-2(2) occurs.

(3) Emission offsets shall not be traded between pollutants.

R307-421-5. Transition Provision.

This rule will become effective in each county on the day that the EPA redesignates the county to attainment for PM10. The PM10 nonattainment area offset provisions in R307-403 will continue to apply until the EPA redesignates each county to attainment for PM10.

KEY: air pollution, offset, PM10, PM2.5

2005

19-2-101(1)(a)

19-2-104

19-2-108

▼ ————— ▼